

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	SEALED PROTECTIVE ORDER
	:	AS TO STATE GRAND JURY
-v.-	:	<u>MATERIALS</u>
BRIAN KOLFAGE and	:	20 Cr. 412 (AT)
ANDREW BADOLATO,	:	
	:	
Defendants.	:	
	:	
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On the motion of the United States of America, by the United States Attorney for the Southern District of New York, Damian Williams, by Assistant United States Attorneys Mollie Bracewell, Robert B. Sobelman, and Derek Wikstrom, and with the consent of defendants BRIAN KOLFAGE and ANDREW BADOLAO:

WHEREAS, the Office of the New York County District Attorney (“DANY”) has obtained an order from the New York Supreme Court permitting it to produce transcripts of testimony given by [REDACTED] before a state grand jury sitting in New York, New York (together, the “State Grand Jury Transcripts”);

WHEREAS, in an abundance of caution, and in recognition of its discovery obligations, the Government used a filter team to receive the State Grand Jury Transcripts and intends to produce them to counsel of record for defendants BRIAN KOLFAGE and ANDREW BADOLATO;

WHEREAS, the further dissemination of the contents of the State Grand Jury Transcripts would potentially implicate the privacy and confidentiality interests of third parties, and would create significant procedural difficulties in this case;

WHEREAS, the Government has demonstrated good cause for the relief set forth herein;

NOW, THEREFORE, IT IS HEREBY ORDERED, pursuant to Federal Rule of Criminal Procedure 16(d)(1):

1. The State Grand Jury Transcripts and the information contained therein may be reviewed or possessed by (i) the defendants themselves, (ii) defense counsel of record, and (iii) paralegals and investigators employed by defense counsel of record (collectively, the “Defense”). Defense counsel shall provide a copy of this protective order to all members of the Defense, and each member of the Defense must review and agree to be bound by the terms of this protective order before receiving any documents or information that are subject to this protective order. The Defense may not provide copies of the State Grand Jury Transcripts to any other person. The Defense may not permit review of the State Grand Jury Transcripts by any other person. The Defense may not disclose or discuss the contents of the State Grand Jury Transcripts with any other person, in any form.

2. All copies of any State Grand Jury Transcripts that remain subject to this Protective Order at the conclusion of this case shall be destroyed or returned to the Government’s filter team by the Defense following the conclusion of this case, including after any appeals.

3. The Defense shall file under seal any submissions referencing the State Grand Jury Transcripts, and shall include a cover page on any such submissions indicating that they reference the State Grand Jury Transcripts.

Dated: New York, New York  
October \_\_\_\_, 2022

SO ORDERED:

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THE HONORABLE ANALISA TORRES  
UNITED STATES DISTRICT JUDGE